

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SMOKEY FERNANDEZ,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 3:23-cv-05582-JCC-BAT


**ORDER STAYING AND ABEYING
HABEAS PETITION**

Having reviewed the Report and Recommendation of the assigned United States Magistrate Judge, any objections or responses, and the remaining record, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation.
- (2) This matter is STAYED pending finalization of state proceedings.
- (3) In order to keep track of the status of the case, Petitioner shall file a status report every ninety days. The first status report is thus due 90 days from the date of this order. Each status report shall indicate whether state proceedings are still pending or whether state proceedings have concluded, and the stay should be lifted.
- (4) Respondent may move at any time to lift the stay, if it appears the state proceeding have been completed and the federal habeas should proceed.

1 (5) The Clerk is directed to send copies of this Order to the parties.

2 Dated this 16th day of October 2023.

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5 JOHN C. COUGHENOUR
6 United States District Judge
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